



General Assembly

February Session, 2002

Amendment

LCO No. 2019



Offered by:

SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 37

File No. 3

Cal. No. 23

"AN ACT CONCERNING THE RATES OF STATE CIGARETTE TAXES."

1 After the last section, insert the following:

2 "Sec. 4. Subsection (b) of section 53-344 of the general statutes, as
3 amended by section 2 of public act 01-92, is repealed and the following
4 is substituted in lieu thereof (*Effective October 1, 2002*):

5 (b) Any person who sells, gives or delivers to any minor under
6 eighteen years of age tobacco, unless the minor is delivering or
7 accepting delivery in such person's capacity as an employee, in any
8 form shall be fined not more than [two hundred dollars for the first
9 offense, not more than three hundred fifty dollars for a second offense
10 within an eighteen-month period and not more than five hundred
11 dollars for each subsequent offense within an eighteen-month period]
12 one thousand five hundred dollars or imprisoned not more than
13 eighteen months, or both.

14 Sec. 5. Section 12-295a of the general statutes is repealed and the

15 following is substituted in lieu thereof:

16 (a) If the Commissioner of Revenue Services finds, after a hearing,
17 that a minor has purchased cigarettes or tobacco products, said
18 commissioner shall assess such minor a civil penalty of not more than
19 fifty dollars for the first violation and not more than one hundred
20 dollars for any second or subsequent offense.

21 (b) If said commissioner finds, after a hearing, that any person
22 employed by a dealer or distributor, as defined in section 12-285, has
23 sold, given or delivered cigarettes or tobacco products to a minor other
24 than a minor who is delivering or accepting delivery in his or her
25 capacity as an employee, said commissioner shall assess such person a
26 civil penalty of one hundred dollars for the first violation and one
27 hundred fifty dollars for a second or subsequent violation within
28 eighteen months.

29 (c) If said commissioner finds, after a hearing, that any dealer or
30 distributor has sold, given or delivered cigarettes or tobacco products
31 to a minor other than a minor who is delivering or accepting delivery
32 in his or her capacity as an employee, or such dealer or distributor's
33 employee has sold, given or delivered cigarettes or tobacco products to
34 such minor, said commissioner shall assess such dealer or distributor a
35 civil penalty of ~~[two hundred fifty]~~ five hundred dollars for the first
36 violation. ~~[and five hundred dollars for a second violation within~~
37 ~~eighteen months.]~~ For a ~~[third]~~ second violation within eighteen
38 months, such dealer or distributor shall be assessed a civil penalty of
39 ~~[five hundred]~~ one thousand dollars and any license held by such
40 dealer or distributor under this chapter shall be suspended for not less
41 than ~~[thirty]~~ ninety days. For a third violation within thirty-six months,
42 such dealer or distributor shall be assessed a civil penalty of one
43 thousand five hundred dollars and any license held by such dealer
44 shall be suspended for not less than one hundred eighty days.

45 (d) If said commissioner finds, after a hearing, that any owner of an
46 establishment in which a cigarette vending machine or restricted

47 cigarette vending machine is located has sold, given or delivered
48 cigarettes or tobacco products from any such machine to a minor other
49 than a minor who is delivering or accepting delivery in his or her
50 capacity as an employee, or has allowed cigarettes or tobacco products
51 to be sold, given or delivered to such minor from any such machine,
52 said commissioner shall assess such dealer or distributor a civil
53 penalty of [two hundred fifty] five hundred dollars for the first
54 violation. [and five hundred dollars for a second violation within
55 eighteen months.] For a [third] second violation within eighteen
56 months, such dealer or distributor shall be assessed a civil penalty of
57 [five hundred] one thousand dollars and any such machine shall be
58 immediately removed from such establishment and no such machine
59 may be placed in such establishment for a period of one year following
60 such removal. For a third violation, such dealer or distributor shall be
61 assessed a civil penalty of one thousand five hundred dollars and any
62 such machine shall be immediately removed from such establishment
63 and no such machine may be placed in such establishment for a period
64 of five years following such removal.

65 (e) Any person aggrieved by any action of the commissioner
66 pursuant to this section may take any appeal of such action as
67 provided in sections 12-311 and 12-312."